

State of Maine Waiver of Competitive Bidding Request Form

Form Instructions: Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

DHHS/DCM Contract Administrator:	Nancy Tan/Elizabeth Heath	Office/Division/Program of Contract Administrator:	OADS
Est. Contract Amount:		Contract or RQS Number:	CT 10A 20181109*1608
	Amendment \$300,000.00	Purchasing Maine ID:	
	Revised Agreement \$444,084.00	DHHS Agreement Number:	ADS-19-9209A
Proposed Start Date:	01/01/19	Proposed End Date:	08/31/2020
Vendor/Provider Name, City, State	Elder Abuse Institute of Maine Brunswick, ME		
Short Description of Good or Service:	Program development and direct service through "elder advocates" in accordance with the ACL Grant No. 90EJSG0031-01-00 work plan.		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Procurement Services website for a period of seven consecutive calendar days.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>8/28/2019</u> To: <u>9/3/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0820191442	
1. Statutory Justification State of Maine statute (5 M.R.S. §1825-B(2)) allows waivers of competitive bidding only for the specific reasons listed below. Please mark the appropriate box (X) next to the justification which applies to this specific request.			
	A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;		
	B. The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;		
	<i>If citing the above justification for this Waiver of Competitive Bidding request, please have the requesting Department's Commissioner or Chief Executive (as the Governor's "designee") sign and date on the right.</i>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i>	
		Signature:	
		Printed Name:	Date:
	C. After reasonable investigation by the Director of the Bureau of General Services, it appears that any required unit or item of supply, or brand of that unit or item, is procurable by the State from only one source;		
	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
	E. The purchase is part of a cooperative project between the State and the University of Maine System, the Maine Community College System, the Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving: (1) An activity assisting a state agency and enhancing the ability of the university system, community college system, Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State to fulfill its mission of teaching, research, and public service; (2) A sharing of project responsibilities and, when appropriate, costs;		
	<i>If citing the above justification for this sole source request, please note that the specific approval of the Governor's Office is required, in accordance with Executive Order 26 FY 11/12, "An Order to Enhance Competitive Bidding". The approval must be documented on DAFS/BGS/Division of Procurement Services "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>		
	F. The procurement of goods or services involves expenditures of \$10,000 or less, in which case the Director of the Bureau of General Services may accept oral proposals or bids;		
	G. The procurement of goods or services involves expenditures of \$10,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need.		

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X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Unique, Grant Partner
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Please note that the following four points below (#2 through 5) all require a response.

2. Description of Specific Need

Please identify, and fully describe, the specific problem, requirement, or need the resulting non- competitive contract would address and which makes the goods or services necessary. Explain how the requesting Department determined that the goods or services are critical and/or essential to agency responsibilities or operations.

Adult Protective Services conducts investigations of abuse, neglect, and exploitation of incapacitated and dependent adults, including Maine’s elderly. APS has been awarded a federal grant through the Administration on Community Living to develop a service planning/intervention phase model that will improve outcomes for APS clients, reducing APS recidivism rates. This provider is identified in the grant application as a partner that will develop model practices, build community resources, and employ elder advocates to work with APS. The goal of the grant (following a three-year work plan) will be to collect data to identify system improvement opportunities and “success rates” on APS involvement.

Amending the contract to extend the date for 1 year to work on Year 2 of the Work Plan.

3. Availability of other Public Resources

Please explain how the requesting Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine’s government, or other governmental entities (local, other state, or federal agencies) external to the requesting Department, which would be able to address the identified need more efficiently and effectively than the identified vendor.

No other entity within State government or another local, state, or federal agency can address the identified need.

APS does not have the capacity or authority to engage with clients beyond the investigation/intervention phase. APS does not have the capacity or expertise to conduct the necessary research and data collection to create the practice model and gage its success through statistical analysis. Engaging with a community partner is a component of the grant project.

4. Cost

Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are **fair and reasonable**.

The Department has engaged with this provider for other similar services and analyzed the rates so that they are consistent with other research work and direct service work.

5. Future Competition

Please describe potential opportunities which may be available to foster competition for these goods or services in the future.

The provider is a named partner in the ACL Grant 90EJSG003101. The Department does not intend to RFP these services.

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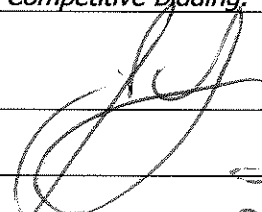
Please note that only one of the two points below ("Uniqueness" or "Timeframe") requires a response. Requesting Departments are not required to respond to both points.

6. Uniqueness
 Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The vendor is specifically identified as a grant partner in the grant application. A requirement of the grant application was to name specific partners who would complete various aspects of the work plan. This vendor was identified as an entity with expertise in elder abuse issues that elder advocates will employ throughout this project. The competitive procurement process would not have been possible prior to the deadline to submit the grant application.

7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)
 Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. impact if delayed beyond this date). Also, provide information as to how it was determined this vendor is the best option to address this time-sensitive procurement.

N/A

Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	 Simon Lapostolle
Date:	22 - Aug - 19